

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MACK SCOTT,

Plaintiff,

v.

**ALLSTATE INDEMNITY COMPANY,
Individually and d/b/a ALLSTATE
INSURANCE COMPANY d/b/a
ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY d/b/a
ALLSTATE,**

Defendant.

No. _____

JURY DEMANDED

NOTICE OF REMOVAL

Comes now the Defendant, ALLSTATE INSURANCE COMPANY, incorrectly styled as "Allstate Indemnity Company individually and d/b/a Allstate Insurance Company d/b/a Allstate Fire and Casualty Insurance Company d/b/a Allstate", by and through the undersigned counsel, and hereby notifies the Judges of the United States District Court for the Western District of Tennessee, Western Division, the Clerk of the Circuit Court of Shelby County, Tennessee, and the Plaintiff, MACK SCOTT, that the action described herein and filed in the Circuit Court of Shelby County, Tennessee, is removed to the United States District Court for the Western District of Tennessee, Western Division pursuant to 28 U.S.C. § 1441.

1. On May 27, 2016, Plaintiff Mack Scott filed a civil action bearing Docket No. CT-002166-16, against Defendant Allstate Insurance Company, incorrectly styled

as “Allstate Indemnity Company individually and d/b/a Allstate Insurance Company d/b/a Allstate Fire and Casualty Insurance Company d/b/a Allstate”, in the Circuit Court of Shelby County, Tennessee. (See Complaint, a copy of which is attached hereto as **Exhibit A**). Service of the Summons and Complaint was made upon CT Corporation System, the Defendant’s designated statutory agent for service of process, on June 13, 2016, by certified mail through the Commissioner of the Department of Commerce and Insurance of the State of Tennessee.

2. This action is filed by Plaintiff Mack Scott for proceeds allegedly due under a contract of insurance written by Defendant Allstate Insurance Company, and insuring Plaintiff’s dwelling and contents located at 4509 Charing Cross Road, Memphis, Shelby County, Tennessee 38116, which were allegedly damaged by fire that occurred on or about June 6, 2015. (See Complaint ¶¶3–5). Plaintiff also asserts claims for statutory bad faith under Tenn. Code Ann. § 56-7-105, and unfair claims practices under Tenn. Code Ann. § 56-8-105. (See Complaint ¶¶8–17).

3. Defendant Allstate Insurance Company seeks removal of this action to this Court upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-Five Thousand and 00/00 Dollars (\$75,000.00), exclusive of the interest and costs. See 28 U.S.C. § 1332. Although the Complaint does not specify the amount of monetary damages Plaintiff seeks to recover in this action, Plaintiff submitted a “Sworn Statement in Proof of Loss” to Defendant Allstate Insurance Company during the investigation of this claim in which Plaintiff claimed that the amount of damages he sustained as a result of the fire loss was \$219,238.20. (See Sworn Statement in Proof of Loss, a copy of which is

attached hereto as **Exhibit B**). Further, in the Complaint, Plaintiff seeks to recover additional damages for “[l]oss of use of funds due under the policy of insurance”, “25% penalty for bad faith”, “[a]ll applicable bad faith penalties, including common law bad faith,” “[p]hysical, mental and emotional pain and suffering”, “[d]amages due to Defendant’s negligence”, “[p]unitive damages”, “[l]oss of the use and enjoyment of Plaintiff’s property and the depreciation and expenses incurred by Plaintiff caused by Defendant’s violations”, “[l]oss of enjoyment of life”, “[l]ibel”, and “[i]ncidental and consequential damages as a result of Defendant’s breach of contract, negligence and punitive actions, including, but not limited to [attorney fees and litigation expenses].” (See Complaint ¶17).

4. Plaintiff Mack Scott is a resident and citizen of Memphis, Shelby County, Tennessee, and was a citizen of the State of Tennessee at the time of the filing of this action and at the time of removal.

5. Defendant Allstate Insurance Company is a corporation incorporated in Illinois, with its principal place of business in Northbrook, Illinois.

6. The amount in controversy exceeds Seventy-Five Thousand and 00/00 Dollars (\$75,000.00), exclusive of interest and costs.

7. This notice is filed within the time prescribed by 28 U.S.C. §1446(b).

8. A copy of the Summons and Complaint, being all the papers served upon the Defendant, are attached hereto as **Exhibit A**.

9. A Corporate Disclosure Statement is also filed contemporaneously herewith.

WHEREFORE, Notice is hereby given that the said civil action No. CT-002166-16 is removed from the Circuit Court of Shelby County, Tennessee, to this Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

By: s/ Russell E. Reviere

RUSSELL E. REVIERE (BPR No. 007166)

BRANDON W. REEDY (BPR No. 030314)

209 East Main Street

P.O. Box 1147

Jackson, Tennessee 38302-1147

(731) 423-2414—telephone

(731) 426-8150—facsimile

rreviere@raineykizer.com

breedy@raineykizer.com

Attorneys for Defendant

Allstate Insurance Company

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was forwarded first class U.S. Mail, postage prepaid to James W. Cook, 9057 Valley Crest Lane, Suite 102, Germantown, Tennessee 38138, Attorney of record for Plaintiff, and by electronic means via the Court's electronic filing system.

This the 12th day of July, 2016.

s/ Russell E. Reviere